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This Amendment filed in response to the Office Action dated July 24, 2006, is accompanied by a request for continued examination and is timely filed before the due date of the appeal brief, which is due on January 22, 2007 because January 21, 2007 fell on a day that the USPTO is closed. Reconsideration of this application is requested in view of the foregoing amendments and the following remarks.

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Claims 1, 3, 5, 6 and 9-15 are pending. Claim 1 has been further amended.

Support for the amendment to claim 1 is found in previous claim 1 and in the examples. Applicants assert that no new matter has been added by this amendment.

Claim Rejection 35 U.S.C. § 102

The Examiner rejected claims 1, 3, 5, 6 and 9-15 under 35 U.S.C. § 102(b) as being anticipated by US Patent Number 4,436,730 ("Ellis"). Applicant respectfully traverses this rejection. Ellis teaches the use of Polymer JR cationic polysaccharides to provide increased long-lasting lens wettability lending to a cushioning and lubricating effect with the eyelid and the cornea.

Applicant respectfully asserts that Ellis does not anticipate claim 1 as currently amended as well as claims 3, 5, 6 and 9-15, which depend from claim 1. Ellis did not recognize that the quaternized ammonium cationic polysaccharides could be used in an ophthalmic composition to preserve the ophthalmic compositions (compositions that are useful and suitable for use in the eye). Accordingly in each instance Ellis used an additional preservative in an amount effective to, at a minimum, preserve or disinfect the solution.

Ellis did not teach an ophthalmic solution that consists essentially of a quaternized ammonium cationic polysaccharide in an amount effective for solution preservation. The phrase "consists of," as used in the context of the present claim language means that the preservative contains only cationic polysaccharide in an amount effective to preserve the solution. Since, Ellis

teaches ophthalmic solutions that contain preservative amounts of traditional preservatives such as benzalkonium chloride and thiomersal, it does not anticipate claim 1 or any additional claims.

Thus, Applicants assert that the present invention is not anticipated by Ellis. Moreover, based upon the unique and novel properties of improving the comfort of a solution by replacing preservatives that are traditionally been known to cause discomfort, Applicants assert that the patent application contains sufficient evidence to establish non-obviousness.

No additional fee is believed to be due by this response. However, please charge any additional fees or credit overpayment to Deposit Account No. 02-1425.

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Respectfully submitted,



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